

Health and Human Services Agency California Office of HIPAA Implementation

INFORMATION MEMORANDUM

2002-003

TO: See Attached Distribution List

FROM: CALIFORNIA OFFICE OF HIPAA IMPLEMENTATION

Title: Courtesy Copies of COHI Requests for Identification and HIPAA Preemption Analysis of State Law Relating to the Confidentiality and/or Privacy of Individually Identifiable Health Information	Number: COHI IM-2002/03
Subject: HIPAA Preemption of State Law	Issue Date: January 28, 2002
Reference(s): COHI Policy Memorandum No. 2002/02; January 14, 2002 Memorandum to Chief Counsels of All CHHSA Departments	Expiration Date: N/A
Contact: Stephen A. Stuart, Staff Counsel Health and Human Services Agency California Office of HIPAA Implementation 1600 Ninth Street, Room 460 Sacramento, CA 95814 (916) 651-6908 (916) 653-9588 FAX sstuart1@ohi.ca.gov	

The purpose of this memorandum is to keep you informed of our efforts here in the California Office of HIPAA Implementation (COHI) to identify and analyze all State health information privacy laws that State departments (which have been identified as either covered or impacted by the Health Insurance Portability and Accountability Act of 1996 (HIPAA)) are subject to and/or are charged with enforcing.

As you know, State entities which are covered and/or impacted by HIPAA must be in compliance with the privacy regulations by April 14, 2003. As you may also know, the HIPAA privacy rules will, with some limited exceptions, preempt only less stringent State privacy rules with the result being that the privacy laws State entities will need to comply with will in fact be some combination of State and HIPAA privacy laws. This will require not only an inventory of State laws, but also an analysis of their relative stringency with respect to HIPAA. To assist COHI in this HIPAA preemption project, COHI has made a request to all covered and impacted State departments to identify and analyze for HIPAA preemption all State laws

which relate to the confidentiality and/or privacy of individually identifiable health information. Enclosed please find copies of the two communications we have sent to the covered/impacted State departments as part of this effort.

We will endeavor to keep you informed of this important preemption analysis project as it goes forward. Please let us know if you have any questions or comments about the project.

BURT COHEN
Director
California Office of HIPAA Implementation

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